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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

In re J.G. et al., Persons Coming Under  
the Juvenile Court Law.

FRESNO COUNTY DEPARTMENT OF  
SOCIAL SERVICES,

Plaintiff and Respondent,

v.

O.M. et al.,

Defendants and Appellants.

F072868

(Fresno Super. Ct. Nos. 15CEJ300092-1,  
15CEJ300092-2, 15CEJ300092-3,  
15CEJ300092-4)

**OPINION**

**THE COURT**\*

APPEAL from orders of the Superior Court of Fresno County. Brian M. Arax,  
Judge.

Linda K. Harvie, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

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\* Before Levy, Acting P.J., Gomes, J., and Peña, J.

Joseph G. (father) appealed from the juvenile court's jurisdictional findings and dispositional orders as to his now 18-year-old daughter, K.G., 14-year-old daughter Jessica G., 11-year-old son Jonathan G., and six-year-old daughter J.G. After reviewing the juvenile court record, father's court-appointed counsel informed this court she could find no arguable issues to raise on father's behalf. This court granted father leave to personally file a letter setting forth a good cause showing that an arguable issue of reversible error exists. (*In re Phoenix H.* (2009) 47 Cal.4th 835, 844 (*Phoenix H.*))

Father submitted a letter in which he listed 24 complaints which summarized allege that all his rights were violated, the police and social worker acted unlawfully in removing the children from his custody and in investigating the circumstances, there was no basis for involuntarily committing him and his wife, Olivia, and the social worker had a vendetta against him which resulted in him being assaulted by two men.

We conclude father failed to address the jurisdictional findings or dispositional orders or set forth a good cause showing that any arguable issue of reversible error arose from the dispositional hearing. (*Phoenix H., supra*, 47 Cal.4th at p. 844.) Consequently, we dismiss the appeal.

### **PROCEDURAL AND FACTUAL SUMMARY**

In April 2015, then 13-year-old Jessica G. called 911 to report that father and Olivia (mother) were fighting in the street. Police were dispatched and found father and mother arguing in front of the house. Neither of them had any visible injuries. A neighbor stated that he observed father and mother pushing each other in the middle of the street, and that one of the daughters was crying and yelling at them to stop fighting. A sergeant on scene stated there had been continuous problems at the residence and added that there were possible mental health issues. Farisa Ikner, an enforcement field technician, conducted a mental health evaluation on both parents. Mother stated that she was not eating or sleeping and was so focused on father that she was not taking care of herself or the children. She also reported suicidal ideation in the past. Father was also

not sleeping and was exhibiting paranoia and rapid mood swings. He reportedly looked at cameras he had placed in the walls and floors believing there were people in there. On that day, he was scrubbing his vehicle engine with soap because he thought there was something in there. Ikner placed them on an involuntary hold. She stated this was not the first time she had been called to mother and father's home. Father and mother were taken by ambulance to the hospital to be medically cleared and for further assessment.

The Fresno County Department of Social Services (department) took the children into protective custody and placed K.G., Jonathan G., and J.G. with a paternal aunt and Jessica G. in foster care, pending placement with another relative.

Father told the investigating social worker that Jessica G. called 911 out of spite because she wanted to stay at a friend's house and he made her come home. He allowed the social worker to walk through the house, and she observed a baseball size hole at the bottom of the stairs near the front door and a large hole on the second floor. Mother said Jessica kicked the wall, causing the hole near the front door and the hole on the second floor was caused by a piece of furniture they were moving.

The department filed a dependency petition alleging under Welfare and Institutions Code section 300 subdivision (b),<sup>1</sup> that mother and father placed the children at a substantial risk of harm because of their domestic violence, substance abuse, and mental illness.

In July 2015, the juvenile court conducted a contested jurisdictional hearing. The court accepted a stipulation on behalf of K.G. that she never saw mother using methamphetamine or appearing to be under the influence, she never knew of her mother not eating or sleeping and, although her parents argued, she had never seen their arguments escalate and become physical. Ikner testified that Jessica G. told her father was not sleeping and he was spending an inordinate amount of time tearing up the walls

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<sup>1</sup> All references are to the Welfare and Institutions Code.

and floors looking for people who were living in the walls and under the home. She also said that at times he would wake the children up, in the middle of the night, asking them to help him search for the people. Father, however, told Ikner that he slept fine and that the holes were the result of remodeling on the home. Ikner also testified that she had spoken to father in February 2015 and, at that time, he said he was not sleeping. Ikner placed mother on an involuntary psychiatric hold because mother was feeling overwhelmed, was extremely depressed and was unable to take care of her children.

Mother testified and denied not eating or sleeping and having any mental health problems. She admitted she and father argued, but said they never engaged in physical altercations in front of the children. She said there was a camera in the living room trained on the front door so that she and father could see who was entering and leaving the home. They placed it there because they had had a break-in. She said there were no cameras in the walls or in the floors and father never told her or the children that there were people in the walls and in the floors. She also testified that one of the social workers told her it was alright to use methamphetamine if the children were not present and she was not under the influence. Mother said she used methamphetamine in February through April of 2015 but not in May, June or July.

Joseph, Jr., mother and father's 19-year-old son, testified that he lived with the family for ten months out of the year, but was not there in April 2015. He never witnessed domestic violence between his parents. He said he made the holes in the wall, explaining that he gets "hyper" and hits the wall. He was only aware of home security cameras on the outside of the house. He said father had had problems with Jessica G. because she wanted to have boyfriends and stay out and father disapproved. He was unaware of any mental health concerns regarding father, including paranoid behavior.

Social worker Lucero De La Torre, the family's case worker, testified that K.G., Jessica G., and Jonathan G. wanted to reunify with their parents, but knew that their parents had some issues they needed to work on before they could return to their custody.

The juvenile court found all the allegations true and adjudged the children dependents under section 300 subdivision (b). In ruling, the court commented on the evidence, noting that father and mother's child welfare history dated back 13 years. In that time, the department received reports that father and mother used methamphetamine and engaged in domestic violence and that father was paranoid. Notably, in February 2015, mother was at a women's shelter and disclosed that she was a drug addict and her drug of choice was methamphetamine and father also used methamphetamine. She reported that father was paranoid and believed there were people living between the floorboards in their home so he drilled holes in the floors. The court found Ikner to be very credible, but found mother was not credible and Joseph Jr.'s testimony was not helpful. The court set an August 2015 dispositional hearing.

In its report for the dispositional hearing, the department recommended the juvenile court exercise its dependency jurisdiction over the children and provide father and mother reunification services. The department informed the court that K.G., Jonathan G. and J.G. had been moved to a foster family home and were doing well. Jessica G. was also doing well in her foster care placement. Mother and father meanwhile were referred for parenting, mental health, substance abuse, and domestic violence services pending the dispositional hearing, but were not participating in them. In addition, father was asked to drug test and refused. Mother drug tested but tested positive for methamphetamine in February, March, and April of 2015. The department also reported that father exhibited behavior that it found concerning. In August 2015, he and mother unsuccessfully attempted to remove J.G. from her school and followed her school bus to the bus stop. In October 2015, father attempted to see J.G. who was staying with her paternal grandmother. When the grandmother refused to open the security door, father pulled out a knife and threatened to kill his stepfather who was also present. He left when the grandmother called the police.

In October 2015, the juvenile court convened a contested dispositional hearing. Father did not appear because of illness, but his attorney informed the court that father told him he had contacted the American Civil Liberties Union and was suing his attorney and the department for violating his Fourth and Fourteenth Amendment rights. Mother informed the court that she and father were homeless and he had gone to the hospital for what she believed was food poisoning. The court continued the hearing.

In November 2015, the court convened the dispositional hearing. Father appeared in custody with his attorney who submitted on the department's report. The court found it would be detrimental to return the children to mother and father's custody, ordered them removed and ordered mother and father to participate in reunification services. The court also set a combined six- and 12-month review hearing for May 2016.

This appeal ensued.<sup>2</sup>

## **DISCUSSION**

An appealed-from judgment or order is presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) It is appellant's burden to raise claims of reversible error or other defect and present argument and authority on each point made. If appellant fails to do so, the appeal may be dismissed. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.)

A juvenile court may exercise its dependency jurisdiction over a child if it finds, by a preponderance of the evidence, that the child is described by any of the subdivisions of section 300. Further, the court may order a child removed from parental custody at the dispositional hearing, if the court finds by clear and convincing evidence that returning the child to parental custody would place the child in substantial danger and there are no reasonable means to protect the child short of removal. (§ 361, subd. (c)(1).) In order to prevail on a challenge to the juvenile court's jurisdictional findings and dispositional

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<sup>2</sup> Mother was also granted leave to file a letter pursuant to *Phoenix H.* However, she failed to do so and her appeal was dismissed.

orders, an appellant would have to show that there is no substantial evidence to support the juvenile court's findings and orders.

Though we are not required to, we have reviewed the record as it relates to the juvenile court's jurisdictional findings and dispositional orders keeping in mind the claims father raises in his letter and we have found no arguable issues for briefing. (*Phoenix H.*, *supra*, 47 Cal.4th at pp. 841-842.) Accordingly, we dismiss the appeal.

#### **DISPOSITION**

This appeal is dismissed.